



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.11.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23425 of 2018

Mohammed Yusuf
Son of Shahul Hameed,
Muthavalli,
Mohideen Juma Pallivasal,
Sambankulam,
Ambasamuthiram Taluk,
Tirunelveli District.

..Petitioner

Vs

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallalseethakathi Nagar,
Chennai.

2. The Superintendent of Wakf,
Tirunelveli Region,
Tirunelveli District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to take action for recovery of dues to the Petitioner Wakf, Mohideen Jumma Pallivasal Wakf, Sambankulam, by considering the Petitioner's representation dated 18.09.2018 within the time stipulated by this Court.

For Petitioner :Mr.M.Mahaboob Athiff

For Respondents :Mr.B.Mohamed Idrish
Standing Counsel for
Tamil Nadu Wakf Board

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the respondents to take action for recovery of dues to the Petitioner/Wakf, Mohideen Jumma Pallivasal Wakf, Sambankulam, by considering the Petitioner's representation dated 18.09.2018 within the time stipulated by this Court.



2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The learned counsel for the Petitioner submits that the Petitioner is the Muthavalli of the Mohideen Jumma Pallivasal Wakf, Sambankulam, Ambasamuthiram Tauk, Tirunelveli District. The Petitioner is a senior citizen and a resident of Sambankulam village. The Muslim Mohideen Jumma Pallivasal Wakf is a notified Wakf under Section 6 of the Wakf Act, 1995. The said Wakf is administered by an Administrative Body consisting of 15 members, headed by the President, who is the Muthavalli of the said Wakf. The learned counsel would further submit that income from the Wakf is utilized for the maintenance of the wakf, which has been audited by the first respondent of the Tamil Nadu Wakf Board, under whose control and supervision, the Wakf is being administered. The learned counsel would further contend that some members of the Wakf are in due of certain sums to the Wakf. Further, the Petitioner's term begins in the year 2015 and ends on 2018 and elections to the Wakf has been scheduled to be held on 23.12.2018. The Petitioner has to hand over the accounts by collecting the said sum to the next elected body. Further the Tamil Nadu Wakf Board has appointed the second respondent as the Election Officer and the Petitioner has to set right all the accounts to the concerned Wakf. The Petitioner has sent numerous demands, but the dues remain unpaid inspite of the efforts taken by him. Hence the Petitioner has preferred a representation to the Management of the Tamil Nadu Wakf Board/the first respondent herein to recover the said amount by invoking the provisions of the Wakf Act, 1995. Though the first respondent has received the representation as early as in the month of September 2018, till date no action has been taken. Since the dues are not recovered so far, the Petitioner was forced to an embarrassing situation, since the said sums are to be recovered before the elections are conducted and the new body of members assumes office. Hence in view of the difficulty faced by the Petitioner, he seeks indulgence of this Court to pass an order directing the respondents/Wakf Board to consider his representation and take appropriate action against the erring members for default in payment of dues.

4. The learned Standing Counsel for the Tamil Nadu Wakf Board is present today and this Court directed the learned counsel to take action against the erring members as per law and conduct an enquiry on them and he also accepts for the same.

5. In view of the above, the respondents/Wakf Board is directed to call the erring members for an enquiry as per rules and procedures of the Wakf Board and after giving sufficient opportunity of hearing to the erring members of the concerned Wakf and other interested, if any, and thereafter, to pass appropriate orders in accordance with law on or before 20.12.2018, since elections to the concerned Wakf is scheduled to be held on 23.12.2018.



6. With the above direction, the Writ Petition stands disposed of. No costs.

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Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallalseethakathi Nagar,
Chennai.

2. The Superintendent of Wakf,
Tirunelveli Region,
Tirunelveli District.

+1cc to Mr.M.Mahaboob Athiff, Advocate Sr.No.97323

VSN

KM/BK/SAR3/05.12.2018/3P/4C

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